



United States Department of State

Washington, D.C. 20520

DEC 27

Case Control No. 200004441

David Waisman Rjavinsthi  
President, Investigative Commission  
Congress of the Republic of Peru

Dear Mr. Waisman:

I refer to our letter dated November 23, 2001 regarding the release of certain Department of State material under the Freedom of Information Act (Title 5 USC Section 552).

As you may recall, intra-agency or interagency coordination was required before a decision could be made as to the release of seven of the documents retrieved in response to your request. The coordination has now been completed for one of them and we find that it may be released with excisions.

The material in the excised portions of the document released in part is currently and properly classified under Executive Order 12958 in the interest of national defense or foreign relations. As such, it is exempt from release under subsection (b)(1) of the Freedom of Information Act.

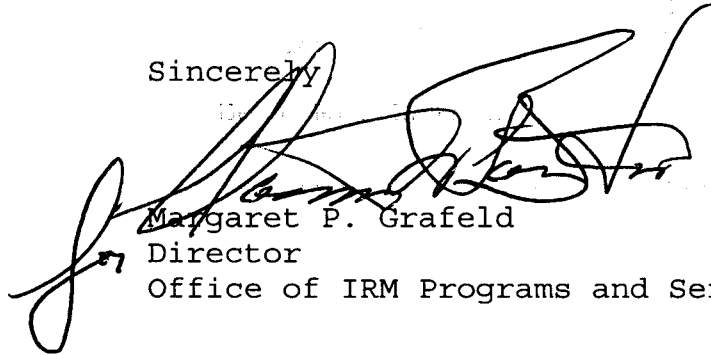
All non-exempt material that is reasonably segregable from the exempt material has been released.

With respect to material we have withheld under the Freedom of Information Act, you have the right to appeal our determination within 60 days. Appeals should be addressed to the Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/IA, SA-2, Room 6001, Department of State,

- 2 -

Washington, D.C. 20522-6001. The letter of appeal should refer to the case control number shown above. A copy of the appeals procedures is enclosed.

Sincerely

A large, stylized handwritten signature in black ink, likely belonging to Margaret P. Grafeld, is written over the typed name and title.

Margaret P. Grafeld

Director

Office of IRM Programs and Services

Enclosures:  
As stated.



United States Department of State

*Washington, D.C. 20520*

DEC 27

Case Control No. 200004441

David Waisman Rjavinsthi  
President, Investigative Commission  
Congress of the Republic of Peru

Dear Mr. Waisman:

I refer to your letter dated November 29, 2000, requesting the release of certain Department of State material under the Freedom of Information Act (Title 5 USC Section 552).

We have searched the files under the Department's control. Our search resulted in the retrieval of 53 documents which appear relevant to your request. We have determined that 22 may be released, 15 may be released with excisions, and 9 may not be released. A decision on the remaining 7 documents requires interagency or intra-agency coordination.

The material in the excised portions of 15 of the documents released in part and in 5 of the documents withheld in full is currently and properly classified under Executive Order 12958 in the interest of national defense or foreign relations. As such, it is exempt from release under subsection (b)(1) of the Freedom of Information Act.

The material in one of the documents withheld in full is specifically exempted from disclosure by statute, to wit, the Immigration and Nationality Act (Title 8 USC Section 1202(f)). As such, it is exempt from release under subsection (b)(3) of the Freedom of Information Act.

The material in three of the documents withheld in full constitutes interagency or intra-agency communications forming part of the deliberative process. As such, it is exempt from release under subsection (b)(5) of the Freedom of Information Act.

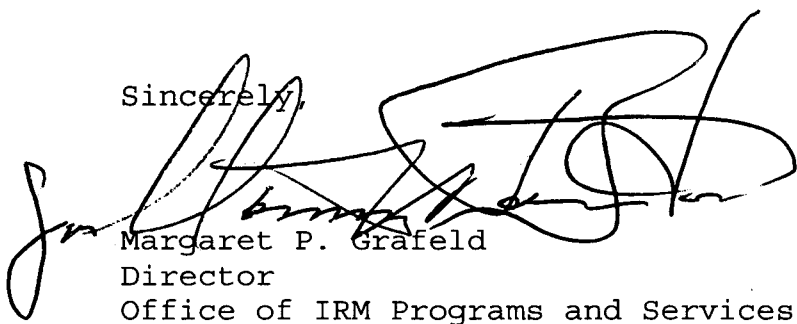
The material in the excised portions of one of the documents released in part is of such a nature that its release would constitute a clearly unwarranted invasion of personal privacy. As such, it is exempt from release under subsection (b)(6) of the Freedom of Information Act.

The material in the excised portions of one of the documents released in part is information compiled for law enforcement purposes which, if produced, could reasonably be expected to disclose the identity of a confidential source. As such, it is exempt from release under subsection (b)(7)(D) of the Freedom of Information Act.

In some cases, two or more exemptions in the Freedom of Information Act may apply to the same document. In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.

With respect to material we have withheld under the Freedom of Information Act, you have the right to appeal our determination within 60 days. Appeals should be addressed to the Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/IA, SA-2, Room 6001, Department of State, Washington, D.C. 20522-6001. The letter of appeal should refer to the case control number shown above. A copy of the appeals procedures is enclosed.

Sincerely,



Margaret P. Grafeld  
Director  
Office of IRM Programs and Services

Enclosure:  
As stated.

**58116 Federal Register/Vol. 45, No. 171**  
**Rules and Regulations**

**Subpart G - Appeals Procedures**

**171.60 Appeal of denial of access to records**

- (A) Review of an initial denial of access to a record under the Freedom of Information Act (5 USC 552), the Privacy Act of 1974 (5 USC 552a), or Executive Order 12958 may be requested by the individual who submitted the initial request for access. The request for review (hereafter referred to as the appeal) must be in writing and should be sent by certified mail to the: Chairman, Appeals Review Panel, c/o Appeals Officer, A/RPS/IPS/PP/IA, SA-2, Department of State, Room 6001, Washington, D.C. 20522-6001. The appeal should be received within 60 days of the date of the receipt by the appellant of the Department's refusal to grant access to a record in whole or in part.
- (B) The time for decision on the appeal begins on the date the appeal is received by the Chairman, Appeals Review Panels. The appeal of a denial of access to records shall include any documentation, information and statements to support the individual's request for access and to refute the use of the exemption(s) cited in the Department's justification concerning the denial of access.
- (C) The Chairman of the Appeals Panels or her/his designee and at least two other members chosen by her/him from a list of senior officers designated for this purpose by the various bureaus of the Department shall constitute a panel to consider and decide the appeal. There shall be a written record of the reasons for the final determination. The final determination will be made within 30 working days for Executive Order and Privacy Act appeals, and within 20 workings (excluding Saturdays, Sundays and holidays) for FOIA appeals. For good cause shown, the Chairman of the Appeals Review Panels may extend such determination beyond the 30-day period in Privacy Act cases.
- (D) The Chairman shall then notify the requester in writing of the panel's decision to grant access and of the Department's regulations concerning access.
- (E) When the final decision of the Panel is to refuse to grant an individual access to a record, the Chairman of the Panel shall advise the individual in writing:
- (1) Of the refusal to grant the appeal and the reasons therefore including the exemptions of the Freedom of Information Act, Privacy Act of 1974, and/or Executive Order 12958 under which access is denied;
  - (2) Of her/his right to seek judicial review of the Department's decision, where applicable.